

AGN. NO. \_\_\_\_\_

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

AUGUST 16, 2005

**Kelo v. City of New London**

Recently the United States Supreme Court issued a 5-4 decision that expands the use of eminent domain proceedings beyond the taking of private property for "public use." The decision in *Kelo v. City of New London* allows local governments to take private property when the sole purpose is economic development, irrespective of whether or not the subject property is in any way blighted or economically disadvantaged.

Among the diverse coalition supporting the property owners in the case, were the NAACP, the AARP, the National Taxpayers Union and the Southern Christian Leadership Conference.

In her dissent, Justice Sandra Day O'Connor wrote that this was a case of "reverse Robin Hood" – "take from the poor, give to the rich." She said, "beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms."

Justice Clarence Thomas labeled the decision "a government land grab" that will be used against "politically weak communities with high concentrations of minorities and elderly."

Eminent domain should be used both sparingly and judiciously, as the government's seizure of an individual's property is a serious matter, one that has a tremendous potential for hardship on the property-owner. While the taking of private property for a road, library, school or other infrastructure that is needed for the common good has obvious public benefits, the public benefit of taking of private property solely in the name of "economic development" is wrong.

**MOTION**

Burke \_\_\_\_\_

Yaroslavsky \_\_\_\_\_

Knabe \_\_\_\_\_

Antonovich \_\_\_\_\_

Molina \_\_\_\_\_

Page: 2

State Senator Tom McClintock has introduced legislation Senate Constitutional Amendment 15, a proposal to preclude the use of eminent domain to acquire private property to turn it over for private uses, such as economic development. The bill requires a judicial determination that the local agency seeking to acquire the property has proven that no reasonable alternative exists. The bill also requires that the property taken must be occupied by the condemning entity or may be leased to public utilities. Lastly, the bill requires that the property taken must be used only for the stated public use.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Administrative Office and Executive Office to draft a five-signature letter in support of SCA 15 to Governor Arnold Schwarzenegger and the entire Los Angeles County legislative delegation in Sacramento.

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MDA:pn/tb